

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ARTHUR BRENNAN MALLOY)	
AIS #101 329,)	
)	
Plaintiff,)	
)	2:09-CV-467-ID
v.)	
)	(WO)
David Wise, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the court are the Recommendation of the Magistrate Judge, (Doc. #22), and Plaintiffs Objection, (Doc. #23). Having conducted a *de novo* determination of those portions of the Recommendation to which objections are made, it is CONSIDERED and ORDERED as follows:

1. Plaintiff's Objection (Doc. #23) be and the same is hereby OVERRULED;
2. The Recommendation of the Magistrate Judge (Doc. #22) be and the same is hereby ADOPTED, APPROVED and AFFIRMED;
3. This case be and the same is hereby DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A) because Malloy has failed to obtain the requisite order from the United States Court of Appeals for the Eleventh Circuit authorizing a federal district court to consider his successive habeas application; and

4. To the extent the Plaintiff's Motion for Relief from Judgment (Doc. #21) contains a challenge to the prior rulings of this Court, the Motion is DENIED.

DONE this the 21st day of March, 2011.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE